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ADDRESS

OF

THE HONORABLE ARNOLD I. BURNS
DEPUTY ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE NATIONAL WARDEN'S CONFERENCE
FEDERAL BUREAU OF PRISONS

TUESDAY, MAY 12, 1987
SHERATON HOTEL
LAKEWOOD, COLORADO

MAY 12, 1987

I'm pleased to have the opportunity to be here with you today. Since coming to the Department, one of the most satisfying experiences has been to work with the staff of the Bureau of Prisons. That's why it is an honor to be able to spend some time with you and to participate in your conference.

For a few moments, let me share with you the Department's perspective on the Bureau of Prisons, and discuss the current status of our criminal justice system.

The Bureau of Prisons is known throughout the government as an organization which prides itself on excellence. The highest personal and professional standards are the hallmark of all its operations. Today, perhaps more than ever, we in government need to maintain that standard of excellence as we work to provide high quality service to the public in a climate of increasing fiscal constraints. Excellence must continue to be the standard used to evaluate our operations and in seeking new ways to meet increasingly difficult challenges.

Early in my tenure at the Department of Justice I became aware of the Bureau's fine reputation; of the fact that the Federal Prison System has served as a model for the development of corrections as a profession not only in this country but throughout the world.

The Bureau's respected position in corrections today is no accident. It is a tribute to the consistently outstanding leadership of the Bureau's top managers. I want to take a moment to pay tribute to Norm Carlson. From his career beginnings as a

correctional officer in the Iowa state system, to his service at Leavenworth, and through his 17-year tenure as the Director of the Federal Bureau of Prisons, Norm Carlson will be remembered as a model correctional leader. Norm has truly been an outstanding successor to the Bureau's distinguished past Directors, and his service as only the fourth Director in the history of the Bureau underscores the strength of the Bureau as a career service. This longevity in leadership and the continuity in tone and direction it provides has strengthened the Bureau over the years. But Norm's leadership has transcended the Bureau and felt throughout corrections. When the history of 20th century criminal justice is written, Norm Carlson will be looked upon as the foremost leader in corrections in this generation. He has fostered strong ideals for corrections as a career service. Like all of you, I consider it a privilege to have worked with Norm, and I am proud to be able to consider him my friend.

Your new Director, Mike Quinlan, is an excellent successor to Norm in every way -- as a career Bureau employee -- as a strong leader -- as an intuitive, insightful administrator. His vision for the Bureau and his emphasis on developing its unique human resources, will be driving factors as you meet the complex challenges of the '90's.

As you know, Attorney General Meese has a great interest in corrections, and has made personal visits to a number of Federal correctional institutions. I have visited seven facilities since

becoming Deputy Attorney General. These trips were to institutions ranging from Allenwood to Marion, where I toured just this past March. After each of those visits, I came away tremendously impressed with the outstanding job being done by Bureau staff. The Attorney General and I have both found clean, professionally managed facilities, with model programs for the inmate populations.

I have also had the opportunity to visit state facilities. The comparison between those operations and yours is favorable to the Bureau in every respect.

Let me also tell you how pleased I am to know about the assistance the Bureau provides to many states. This falls most often in the area of technical assistance. The ability and willingness of the Bureau to convey its policies, procedures and professionalism to other agencies is important as we strive to achieve a seamless, efficient law enforcement network nationwide.

In recognition of the national scope of the criminal problem in our nation, the resources of the Department of Justice play an important role in local criminal justice efforts. The Department has done a lot to foster cooperative efforts over the years, through direct grants, technical assistance and training. On-going cooperation between the different levels of government has been a priority for this administration, and the Bureau is on the forefront of this effort. I know that the value of this interchange will be increasingly evident in the years to come.

Another key method of assistance is in the boarding of difficult state offenders -- inmates who have been transferred from their home states because of the dangerous management problems they present -- inmates who present difficult problems for you and your staff every day. This type of assistance is an important expression of the Department's commitment to state and local corrections. Your willingness and ability to handle these high security cases constitutes an invaluable service to states.

As active criminal justice practitioners, we are about to experience a new wave of professional challenges. The Bureau of Justice Statistics indicates that since the 1970's the incarceration rate in this country has climbed beyond any predicted level, with a 36% increase in the first five years of the decade. The 1985 growth rate of 8.4% represents the third largest increase in the absolute number of people confined since statistics were first recorded in 1926.

At the end of 1985, over 500,000 inmates were confined in state and federal institutions in this country, a record high. An additional 5,500 inmates have entered the Federal Prison System during this past fiscal year alone, a 15% increase from 1985. Our correctional systems are facing a great challenge in coping with the housing of such a rapidly increasing population.

The Bureau of Prisons is presently 50% over its intended capacity. You are literally bulging at the seams. Nationwide, over 525,000 inmates are confined today in facilities designed

for only 410,000. This unprecedented overcrowding has thrown the confinement segment of corrections into turmoil.

Prisons are crowded to and beyond their limits. Alternatives such as trailers, tents, prefabricated institutions, private prisons, electronically monitored home confinement, and many others have emerged. In my home state of New York, abandoned ferry boats have been retrofitted to serve as inmate housing areas. Serious proposals have been floated, if you will forgive the pun, to convert mothballed Liberty ships into prisons. There is no doubt that the need for additional prison bedspace is at a truly critical level.

One of the more interesting and challenging things I see as I look into the crystal ball on the issue of overcrowding is privatization. We have all heard of the private prisons being operated by for-profit organizations. These are a major change from the non-profit halfway house operations for which the Bureau has contracted for many years. The monumental increase in inmate population throughout the country has supported a variety of private prisons as well as other alternatives. These other options include lease-purchase agreements which enable many localities to start prison construction without traditional capital funding. In a high-tech twist, electronic home monitoring is being used by many local jurisdictions and even in the Federal sector, to reduce the incarcerated population. The Bureau has already used limited contracting for food service,

medical and other institutional programs as an alternative to government services in those areas. This strategy may be a viable alternative to contracting out total institutional operations. The Bureau has been flexible and innovative, and I expect that it will continue to examine and use every feasible option to reduce costs and maintain the necessary quality of confinement.

Predictably, litigation regarding conditions of confinement is on the rise. The American Bar Association reports that more than two thirds of the states are operating under court orders to reduce overcrowding. These cases range in complexity from isolated units being operated under court supervision to massive intervention in entire correctional systems, such as the Texas Department of Corrections.

I don't have to tell you that the Bureau of Prisons has been heavily stressed. And yet there has been no court intervention due to overcrowding in the Federal Prison System. Your institutions, while crowded far beyond capacity, have had few overt management problems and provide overall conditions of confinement which are far better than in virtually all states.

The Bureau has certainly demonstrated a number of effective methods of alleviating some of these population pressures. With sound planning and foresight, and the support of the Congress, the Bureau has added thousands of new beds in the past five years. The creative use of surplus military and local facilities

has further enabled the Federal Prison System to keep pace with the increased commitment rate and to maintain safe, humane conditions for all Federal inmates. New facilities and additional housing units in other locations will result in significant capacity increases, with your FY 88 budget positioning you for over 2300 more beds in that period alone. Future planning will expand your total system by seven institutions and 4800 beds in the next five years. While these beds will not mean the end of overcrowding, they will reduce the level of overcrowding to more manageable proportions.

Frankly, the dimensions of the problem are staggering. The number of sentenced inmates in the Federal Prison System grew at a rate more than twice that of state correctional systems as a whole last year. Growth in your clientele outstrips, for instance, a 36% increase in major arrests by the Drug Enforcement Administration, an admirable statistic in itself. But this kind of aggressive enforcement action is taking place throughout the Department and in other Executive agencies, further exacerbating the problem of keeping up with the flow of new inmates.

And I expect the current growth pattern will continue. The Administration's new drug initiative will have the effect of focusing even more law enforcement efforts on individuals who will very likely find their way into the Federal Prison System.

Our initiatives in the area of white collar and securities offenses are well known. We cannot and will not allow the fabric

of our financial business system to be eroded by unfettered compromises of securities laws and other regulatory structures. And when appropriate, I expect that prison sentences will be imposed in these cases -- sentences that make it clear that the Administration is serious about restoring the public's confidence in the important financial institutions of our country and the laws that regulate them.

The effects of the new Comprehensive Crime Control Act and the Sentencing Commission will, in my view, increase the length of time served for many new offenders.

The new law certainly will diminish the early release prospects of others. The net effect, then, will be longer prison stays for many offenders, and consequently, continuing population growth. We commit to you that prison expansion will not be overlooked in the many changes that are taking place.

The resources provided to the Bureau in the past few years have increased in both dollars and positions. As you probably know, the FY 88 budget request for the Bureau is just short of one billion dollars, and I believe that says a lot about the level of concern the Administration has for corrections. We recognize that as Federal law enforcement initiatives continue to expand, the Bureau will need further resources. Our planning for future years reflects those contingencies.

The Bureau's construction program has been a trend-setter for correctional design in this country. By employing smaller

facilities which foster increased staff-inmate contact, a more humane environment has been established. The so called "new generation" of state and local facilities throughout the country are adopting this Bureau concept. The idea that internal supervision and controls are enhanced by design factors is only one major concept that the Bureau has advanced. Another is the fact that efficient internal perimeter design can substantially reduce operating costs in a correctional setting. The accepted rule of thumb is that 90 percent of the total cost of a facility over its lifetime is chargeable to staffing expenses. Every post that can be streamlined or eliminated by good design -- without sacrificing security and safety -- means literally millions of dollars in salary savings over the life of the institution. Designing institutions with the least security necessary to confine the intended population is yet another design economy that the Bureau has pursued to good use.

As you all know, though, bricks and mortar are not the whole story in prison management, nor in prison expansion. Programs and support services in the Bureau have to keep pace with the influx of prisoners.

Inmate classification initiatives pioneered by the Bureau in the last ten years are now widely used as templates for states and local systems. They, too, see the benefits of separating offenders into various confined categories. There is no doubt that the judicious separation of various categories of offenders,

by offense, sophistication, length of sentence and other relevant factors, eases the problem of managing crowded institutions.

The Bureau's SENTRY system and its use of automated data systems are another example of a forward-looking approach. Until ten years ago, manual systems were the order of the day, and complex tracking of multiple separatees and other sensitive cases was a burdensome and marginally effective process. Certainly that system never could have survived the pressures of a near doubling of the Bureau's population, nor the literally life and death demands of supporting the U.S. Marshal's Protected Witness Program. Instead, today you have in place a data base management system that can tell you in moments where a given inmate is located, who his or her separatees are and where they are, and even where they live and work in the institution. The ability to access this data has proven to be critically valuable as the Federal Prison System has grown in the last ten years.

I expect that in the next few years, your novel and innovative telephone monitoring system will prove equally valuable as an investigative tool. By using the latest technology to track, identify and catalog phone calls in an efficient way, your ability to interdict drug traffic and escape attempts has been remarkably enhanced.

Recidivism is a word that seems to be obscured more and more these days as we all cope with the demands of just finding beds for new inmates. However, I firmly believe that we must also

maintain the long view of our mission. We need to do as much as we can to prevent inmates from returning to prison. Not only are incapacitation and deterrence critical, but it is just as important that we do as much as possible to offer programs for committed offenders that will equip them for lawful functioning upon release.

We all know that some inmates knowingly chose a life of crime. But we also know there are a significant number of offenders in both Federal and state systems that are involved in criminal activity because they had limited options for employment. There are others who have not learned the coping skills that most of us take for granted as we deal with the everyday stresses of modern life.

It is to these groups that we can address our programs and services. In some ways it is the old story about being able to take a horse to water but not make it drink. Well, I submit that quite a few of our inmates would drink if we made the program options available, and would profit from the experience. The Bureau's mandatory education programs have shown that with minimum motivation we can achieve significant gains in this regard. I firmly believe that the many programs and services we offer are well justified. Even if the education gains were not so dramatic, these programs also serve a useful function in structuring a way for inmates to constructively serve their time, and providing non-custodial supervision for them. Just as the

security features of an institution are necessary, industrial employment, education, counselling and other similar programs serve useful functions.

The Bureau's incorporation of training and education functions under one umbrella organization has become another model emulated by state correctional systems. The increased emphasis on inmate literacy, particularly the linking of educational achievement with job assignments, is in concert with a strongly emerging theme in the education community regarding adult literacy. Pre-industrial training and "live work" programs make maximum use of available resources and do so in a way that ensures inmates have the best opportunity for learning skills usable on release.

Moreover, major projects undertaken by Federal Prison Industries for the Office of the United States Trustees, the Immigration and Naturalization Service and the Office of Personnel Management have shown the concrete value of prison industries to other government agencies. In the case of INS, your factories equipped new offices for the alien registration program, and supplied millions of forms on short notice. The new Federal Employee Retirement System required OPM to have millions of pamphlets and informational brochures printed on a very short time line. Prison Industries completed the job in an outstanding manner. These examples demonstrate how the benefits of prison programs go beyond the fences and walls of your institutions.

Let me share with you in conclusion some of the concerns that I have for the future -- the new challenges I think we will all face in the years to come.

First, and probably foremost, the inmate population increase will not abate in the foreseeable future. The citizenry of this country has made its voice clear on law enforcement, and the Administration is continuing to look for ways to implement systems which respond to this pressing societal need. As a result, you will continue to see inmates come into your institutions in increasing numbers.

The challenge for all of us in this room is to find the beds that will hold them, and the programs and jobs to keep them gainfully occupied. Maintaining the Bureau's current expansion program will be difficult, and yet is a critical necessity for meeting the need for additional beds for inmates. Your goal over the next five to ten years will be to complete this base line expansion program and generate the additional programs and trained staff needed for the many new institutions coming on line.

The ability to maintain public services in the face of increasing fiscal austerity is going to be an essential skill for government managers in the coming years. The impact of the Gramm-Rudman legislation is seemingly in flux, as the Congress sends out mixed messages on the budget and the possibility of coming changes in the tax base. While the Department has largely

been sheltered so far from heavy budget cuts, there are no guarantees for the future. No mission is so critical as to be insulated from this pressure. So the ability to manage creatively and efficiently within fiscal restraints, will be increasingly valuable in the years to come.

I again want to thank you for the opportunity to be here and to touch on a few of the current issues that I see as impacting you and the Bureau of Prisons in the years ahead. I also want to express my appreciation to each of you for the fine job you have done in what is certainly one of the most difficult tasks in government today.

Please accept my personal regards, and those of Attorney General Meese for the outstanding work you and your staff are doing. Each of you can take personal and professional pride in the Bureau's many accomplishments. I commend you, and trust that this week will be a productive one.